

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

ORDER

-vs-

Criminal Action No. 1:21-cr-343 (MAD)

ROBERT J. INGRAO;
RICHARD SINDE;
JEFFREY C. CIVITELLO, SR.;
and
JEFFREY C. CIVITELLO, JR.,
Defendants.

BASED ON THE JOINT STIPULATION AND THE FOLLOWING FINDINGS, IT IS
HEREBY ORDERED:

1. That the time period, from August 8, 2022 to and including **April 17, 2023**, shall be excludable in computing time under the Speedy Trial Act. Based on the stipulated facts and findings set forth in the joint stipulation which the Court incorporates into this Order and adopts them as findings, the Court further finds, pursuant to 18 U.S.C. §3161(h)(7), that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.
2. The deadline for the completion of discovery by the United States shall be completed on or before **January 27, 2023** (otherwise due within 14 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial Order). The deadline for the completion of reciprocal discovery by the defendant shall be completed on or before **February 3, 2023** (otherwise due within 21 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial order).
3. Any pretrial motions in this case shall be filed on or before **February 10, 2023**,

and shall be made returnable on submit before Judge Mae A. D'Agostino with no appearances necessary.

4. Any change of plea shall be entered on or before **March 24, 2023**.
5. All pretrial submissions as set forth in the criminal pretrial scheduling order (*Dkt* #29, 47) are due on or before **March 27, 2023**.
6. A Final Pretrial Conference will be held on **April 7, 2023 at 12:00 p.m.** in Albany before Judge Mae A. D'Agostino. Counsel are directed to report to Judge D'Agostino's chambers for this conference.
7. Jury Trial is scheduled to commence on **April 17, 2023 at 9:30 a.m.** before Judge Mae A. D'Agostino in Albany, New York.

IT IS SO ORDERED

Dated: August 8, 2022
Albany, New York


Mae A. D'Agostino
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | Criminal No. 1:21-CR-343 (MAD) |
| |) | |
| v. |) | STIPULATION AND ORDER |
| |) | FOR CONTINUANCE |
| RICHARD SINDE, |) | |
| ROBERT J. INGRAO, |) | |
| JEFFREY CIVITELLO SR., |) | |
| JEFFREY CIVITELLO JR., |) | |
| |) | |
| Defendants. |) | |

Stacey Richman, the attorney for Richard Sinde; Lee Kindlon, the attorney for Robert J. Ingrao; Eric Galarneau, the attorney for Jeffrey Civitello Sr., and Jeffrey Lichtman and Jeffrey Einhorn, the attorneys for Jeffrey Civitello Jr., having moved for a continuance within which the parties may review discovery and consider pretrial motions in the above-captioned action, and prepare for trial; and Carla B. Freedman, United States Attorney for the Northern District of New York, Michael Barnett, Assistant U.S. Attorney, appearing, having consented to the request for the continuance and proposed the exclusion of the period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
 - a) Date of initial appearance or arraignment:
 - i) Sinde waived arraignment on second superseding indictment effective June 28, 2022;
 - ii) Ingrao waived arraignment on superseding indictment effective January 7, 2022;
 - iii) Civitello Sr. arraigned on May 26, 2022; and
 - iv) Civitello Jr. arraigned on June 27, 2022.

b) Date of indictment: September 28, 2021; Date of Superseding Indictment: December 14, 2021; Date of Second Superseding Indictment (adding Civitello Sr. and Civitello Jr.): May 24, 2022.

c) Defendant custody status: Neither Sinde nor Ingrao nor Civitello Sr. is in custody, and each is on pretrial supervision with conditions. Civitello Jr. has been detained since October 21, 2021, in relation to Case No. 1:21-CR-386 (MAD), and he waived his right to a detention hearing in this case on June 27, 2022.

2) The Court previously ordered the following exclusions under the Speedy Trial Act: the period of time from November 12, 2021 through and including February 9, 2022, by stipulation of the parties; the period of time from February 3, 2022 through and including April 3, 2022, by stipulation of the parties; and the period of time from April 8, 2022 through and including October 17, 2022, by stipulation of the parties.

3) The defendants and their attorneys have requested the continuance based on the following facts and circumstances:

a) Each defendant is charged with drug crimes that, upon conviction, carry a 10-year mandatory minimum term of imprisonment.

b) The Government made its discovery production on November 10, 2021 to Sinde and Ingrao, and on or about June 10, 2022, to respective counsel for Civitello Sr. and Civitello Jr. The discovery production is comprised of several thousand pages of documents, several hundred photographs, and audio and video recordings. Defense counsel anticipates that reviewing the discovery materials will take additional time, and that defense counsel will need additional time to consider the filing of pretrial motions.

c) Civitello Sr. and Civitello Jr. were only added to this case in May 2022, and their respective counsel have trial conflicts in other matters that, when combined with the need to prepare for trial in this case, necessitate an adjournment from the present firm trial date of October 17, 2022. Defense counsel for Civitello Jr. detailed these issues by letter to the Court dated July 15, 2022 (dkt. no. 80), incorporated by reference as if fully set forth herein, and the Court provisionally approved the requested adjournment by Text Order dated July 18, 2022, as well as set a firm motion deadline of September 19, 2022 (dkt. no. 81).

d) The parties respectfully request a firm trial date of April 17, 2023.

4) For the foregoing reasons, the parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because the continuance is necessary in order to allow the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv)). Additionally, for the foregoing reasons, the case is sufficiently complex, due to the nature of the prosecution, that it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii).

5) The parties stipulate and agree that a period of time, beginning on and including the date on which the Court signs the requested order, and continuing through the anticipated start of trial on April 17, 2023, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii), (iv).

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The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

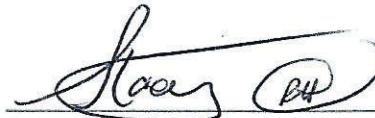
Dated: July 29, 2022

CARLA B. FREEDMAN
United States Attorney

/s/ Michael Barnett

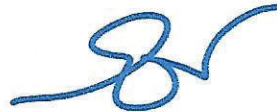
By: _____

Michael Barnett
Assistant United States Attorney
Bar Roll No. 519140

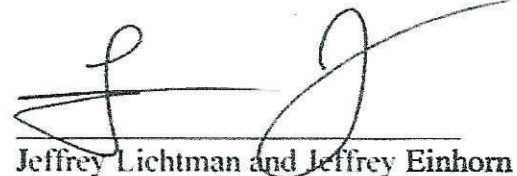
A handwritten signature in black ink, appearing to read "Stacey" followed by a circled "B4".

Stacey Richman
Attorney for Richard Sindle
Bar Roll No. 703175

Lee Kindlon.
Attorney for Robert J. Ingrao
Bar Roll No. 511642

A handwritten signature in blue ink, appearing to be a stylized "EG".

Eric Galarneau
Attorney for Jeffrey Civitello Sr.
Bar Roll No. 509248

A handwritten signature in black ink, appearing to be a stylized "JL" and "JE" joined together.

Jeffrey Lichtman and Jeffrey Einhorn
Attorneys for Jeffrey Civitello Jr.
Bar Roll Nos. 703079 and 703090

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: July 29, 2022

CARLA B. FREEDMAN
United States Attorney

/s/ Michael Barnett

By:

Michael Barnett
Assistant United States Attorney
Bar Roll No. 519140

Stacey Richman
Attorney for Richard Sinden
Bar Roll No. 703175



Lee Kindlon.
Attorney for Robert J. Ingraio
Bar Roll No. 511642

Eric Galarneau
Attorney for Jeffrey Civitello Sr.
Bar Roll No. 509248

Jeffrey Lichtman and Jeffrey Einhorn
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| RICHARD SINDE, |) | |
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| JEFFREY CIVITELLO SR., |) | |
| JEFFREY CIVITELLO JR., |) | |
| |) | |
| Defendants. |) | |

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because this delay is necessary in order to allow the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and because the case is so complex, due to the nature of the prosecution, that it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act, 18 U.S.C. § 3161.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED:

A. The period of time, beginning on and including the date of this Order and extending to April 17, 2023, shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii), (iv).

B. Any pretrial motions in this case shall be filed on or before September 19, 2022 and shall be made returnable on _____.

C. The trial in this matter shall begin on April 17, 2023 before United States District Judge Mae A. D'Agostino in Albany, New York or, in the alternative, a change of plea shall be entered on or before _____.

IT IS SO ORDERED.

Dated and entered this _____ day of August, 2022.

Hon. Mae A. D'Agostino
United States District Judge